

Notice of Allowability

Application No.

09/752,210

Examiner

Paul H. Kang

Applicant(s)

COOK, FRED S.

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed August 4, 2005.
2. ☒ The allowed claim(s) is/are 1-9 and 13-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>1/23/01, 1/29/02</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

In interpreting the claims in light of the Specification and the applicants' arguments, the examiner finds the claims to allowable over the prior art. The prior art of record fails to teach either alone or in combination a bandwidth boost system and method wherein a first data set is transmitted over a wireline communication path from an internet service provider to a client, and a second data set is transmitted in addition to the first data set over a wireless communication path which extends from the client to a cell site coupled to a mobile telephone switching office further coupled to the internet service provider. See Remarks of December 15, 2004, page 9, lines 16-25.

Agraharam et al. teaches a system for providing an enhanced grade of service for connections over a large network. Agraharam, however, teaches that an IP network is supplemented to increase bandwidth by use on an additional ISDN connection, from the destination server to the ISP. Agraharam does not explicitly teach the use of a wireless cellular connection to supplement a wireline communication path to increase bandwidth from the client to the ISP. See Remarks of May 26, 2005, page 6, lines 10-30.

McAlinden teaches the invention substantially as claimed. McAlinden teaches a method and terminal for high bandwidth cellular data transmissions wherein additional cellular connections are assigned to a terminal in order to increase bandwidth of that terminal from an ISP to the client. However, McAlinden does not explicitly teach supplementing a wireline connection with a wireless cellular connection in order to increase bandwidth. McAlinden is

Art Unit: 2141

limited to a wireless cellular connection supplementing another wireless cellular connection from an ISP to a client.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on January 23, 2001 and January 29, 2002 include references to co-pending application serial nos. 09/304,185 and 09/699,919, respectively. The applicant, however, did not list these applications on form PTO-1449. Therefore, although the copending applications are part of the record, they will not appear in the face of the patent. As a courtesy to the applicants, the co-pending applications have been considered by the examiner.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2141

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


PAUL H. KANG
PRIMARY PATENT EXAMINER